IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL No.1473 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/04/2004 in W.P.No.2448 OF 2004 on the file of the High Court)

Between:

Kilari Koteswaramma, W/o Babu Rao,
R/o. H.No.5-ID, 2nd Floor, Chitvel Road, Railway Kodur Town,
Railway Kodur Mandal, Kadapa District.

..... APPELLANT

AND

1 The Panchayat Secretary, Railway Kodur Panchayat,
Railway Kodur Mandal, Kadapa District.
2 The District Panchayat Officer, Kadapa.
3 The District Collector, Kadapa District at Kadapa.
4 The Mandal Revenue Officer, Railway Kodur Mandal,
Kadapa District.

.....RESPONDENTS

Counsel for the Appellant: Mr.K.SANKARAYYA

Counsel for Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

ORAL JUDGMENT: (Per **THE HON'BLE THE CHIEF JUSTICE**)

Writ petitioner is aggrieved by the order passed by the learned single Judge in disposing of the writ petition. Writ petitioner questioned the legality and validity of the notice dated 08-12-2003 alleged to have been served by the Panchayat Secretary, Railway Kodur Gram Panchayat, Kadapa district, pointing out that petitioner/appellant was making illegal construction and therefore, the same is liable to be demolished. *Status quo* order was passed by the Court at the time of admission of writ petition. Counter-affidavit was filed by respondent No.1 in which it is stated that no notice has been issued to the petitioner appellant under Sections 96, 98, 121 and 271 of Andhra Pradesh Panchayat Raj Act, 1994. It was pointed out in the reply affidavit that on 01-03-2004, notice was issued by the first respondent directing the petitioner/appellant to stop the construction work since construction work was being continued without proper approval.

Learned single Judge disposed of the appellant's writ petition and other writ petitions pointing out that petitioners had approached the court with unclean hands stating that notices were issued when there were no such notices issued and the stand taken by respondent No.1 is that in spite of notice dated
01-03-2004, petitioners were proceeding with the constructions and thus, learned single Judge disposed of the writ petitions including the writ petition of the appellant observing that if the petitioners proceed with the construction, it will be open to the Gram Panchayat to issue necessary notice calling upon them to stop construction or encroachment, if any, and if any such action is initiated, the appellant can avail of remedies as available to her in law. With such type of orders where liberty is reserved to the appellant to avail the remedies in accordance with law, we do not see any ground to entertain this appeal.

Writ appeal is, therefore, dismissed.

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DEVINDER GUPTA, C.J.

30-09-2004

C.V.RAMULU, J

Prk

DEPUTY REGISTRAR

/True copy/

SECTION OFFICER.

To

1 The Panchayat Secretary, Railway Kodur Panchayat,
Railway Kodur Mandal, Kadapa District.
2 The District Panchayat Officer, Kadapa.
3 The District Collector, Kadapa District at Kadapa.
4 The Mandal Revenue Officer, Railway Kodur Mandal,
Kadapa District.

5 G.P. for Panchayat Raj & Rural Development, High Court buildings, Hyderabad

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